

REMARKS/ARGUMENTS

Rejection of Claims 1-2, 4-6, 9, 15-18, 20 and 25-26 Under 35 U.S.C. § 102(e)

The Examiner rejected claims 1-2, 4-6, 9, 15-18, 20 and 25-26 under 35 U.S.C. § 102(e) based on U.S. Patent No. 5,869,819 to Knowles (hereinafter, "the Knowles reference"). This rejection is respectfully traversed.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131 (*citing Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the . . . claim." *Id.* (*citing Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)).

Claims 1, 15, 16, and 25 (hereinafter, "the independent claims") each recite a "two dimensional graphical code" that comprises "an encoded Internet address and additional information." The independent claims have each been amended to specify that the graphical code may be scanned by an individual to obtain "data related to an item," and that the individual who scans the graphical code "is not affiliated with an entity that created the graphical code." Support for these amendments can be found in the specification on page 10, line 14 through page 11, line 20.

Applicant respectfully submits that the Knowles reference does not disclose every element of the amended independent claims. The Knowles reference relates generally to a "web-based package routing, tracking, and delivering [RTD] system and method that uses URL/ZIP-CODE encoded bar code symbols on parcels and packages." Knowles, abstract. The bar code label is used "for carrying out routing, tracking and delivery functions." Knowles, col. 19, lines 6-7. In particular, the person delivering the package scans the graphical code to obtain delivery instructions. *See* Knowles, col. 22, lines 34-51. This delivery person is affiliated with the RTD system. *See* Knowles, col. 5, lines 31-34; col. 21, lines 10-20. Thus, the Knowles reference does

not disclose or suggest that the individual that scans the graphical code "is not affiliated with an entity that created the graphical code," as recited in the independent claims.

Because the Knowles reference does not disclose every element of the independent claims, Applicant respectfully submits that the independent claims are patentably distinct from the Knowles reference. In addition, claims 2, 4-6 and 9 depend either directly or indirectly from claim 1, claims 17-18 and 20 depend either directly or indirectly from claim 16, and claim 26 depends from claim 25. Thus, Applicants respectfully submit that these dependent claims are patentably distinct from the Knowles reference for at least the same reasons.

Rejection of Claims 3, 7, 8, 12-13, 19, 21-24 and 27 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 3, 7, 8, 12-13, 19, 21-24 and 27 under 35 U.S.C. § 103(a) based on the Knowles reference. Claims 12 and 21-22 have been cancelled. Claims 3, 7, 8 and 13 each depend, directly or indirectly, from claim 1. Claims 19, 23 and 24 each depend from claim 16. Claim 27 depends from claim 25. In view of the amendments made to claims 1, 16 and 25 and the arguments presented above, Applicant respectfully submits that claims 3, 7, 8, 13, 19, 23-24 and 27 are patentably distinct from the Knowles reference.

Appl. No. 08/972,313
Amdt. dated April 11, 2003
Reply to Office Action of December 17, 2002

Applicant respectfully asserts that claims 1-9, 13-20 and 23-27 are patentably distinct from the cited references, and requests that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Wesley L. Austin', is written over a horizontal line.

Wesley L. Austin
Reg. No. 42,273
Attorney for Applicant

Date: April 11, 2003

MADSON & METCALF
Gateway Tower West
15 West South Temple, Suite 900
Salt Lake City, Utah 84101
Telephone: 801/537-1700